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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 360th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 January 1997, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Myanmar (continued) (CRC/C/8/Add.1 (English only); CRC/C/Mya.1 (list of issues); written replies by the Government of Myanmar with no document symbol)

1. At the invitation of the Chairperson, the delegation of Myanmar resumed its place at the Committee table.

2. Mrs. SARDENBERG said that the initial report (CRC/C/8/Add.9) and the written replies to the list of issues lacked much of the information the Committee required. It was essential that the Committee should be able to establish a dialogue with each State party to the Convention and discuss openly and frankly where problems might arise and how they could be remedied. The first step towards any improvement in the situation of children was a willingness to acknowledge the existence of problems and a willingness to discuss them.

3. It was clear that, in Myanmar, attitudes to children and their problems needed to be changed at the level of society, the family, school and the administration. A comprehensive review of legislation was needed to ensure that the laws of the land were in full conformity with the provisions of the Convention and where they were not, they must be revised. Certain Myanmar laws, such as the Whipping Act, should be repealed as a matter of priority and the gaps in legislation filled. For example, Myanmar should explicitly include in its legislation the principle of non-discrimination and the prohibition of torture.

4. The Convention and the national plan of action should be duly incorporated into sub-national and sectoral programmes and policies and given full budgetary support to ensure that the rights of the child became a reality. The National Committee on the Rights of the Child should have a more active role in monitoring and assessing the situation of children at all levels.

5. Myanmar badly needed measures to raise awareness of and provide information on the Convention, particularly among children. It should be an integral part of the school curriculum and of training courses for people who came into close contact with children, such as judges, teachers and military personnel. The Convention should also be translated into all the ethnic languages to maximize its accessibility.

6. The authorities should endeavour to strengthen the social sectors in terms of budgetary allocations and should reduce the defence budget.

7. Closer cooperation with international organizations and non-governmental organizations (NGOs), especially those relevant to children, was essential in every sphere, from training to the dissemination of the Convention. In the same vein, the authorities should consider launching an international

cooperation project with the United Nations Children's Fund (UNICEF), the Centre for Human Rights, and other interested bodies, to ensure that every aspect of the Convention could become a reality.

8. Careful consideration should be given to the general principles of the Convention, including non-discrimination and the participation of children, and steps must be taken to ensure that they were fully understood and respected. Prompt action must be taken to solve the problem of malnutrition and to eradicate child labour, the forced recruitment of children into the armed forces, the trafficking in children and child prostitution.

9. The CHAIRPERSON said that the Committee's conclusions and suggestions would be finalized and sent in writing to the authorities of Myanmar.

10. U AYE (Myanmar) thanked the Committee for its suggestions and recommendations. The discussion had been a rewarding experience and, despite the lack of time and linguistic difficulties, his delegation had obtained a much clearer idea as to where the Government's efforts should be targeted.

11. Myanmar had become party to the Convention for no other reason than its desire to promote and protect the rights of the child. The duties of the educator or parent should be matched by a child's willingness to accept the guidance of his or her elders and learn from their experience.

12. The Committee's comments on the problem of conflict between domestic legislation and the Convention had been most instructive and it was regrettable that Myanmar had not had the benefit of the experience of the Committee and similar bodies of experts when it had first drafted certain legislative texts. His Government would consider entering reservations to the Convention in areas where its legislation conflicted with the provisions of the Convention and would look at the question of the hierarchy of legislation so as to ensure that laws protecting the rights of the child prevailed over all other instruments.

13. The rights of the child should not be politicized. While the comments of the Committee would be heeded, every care should be taken to avoid giving credence to allegations made by groups that were opposed to the Government of Myanmar, allegations that were totally without foundation and counter-productive in terms of the promotion and protection of human rights.

14. The CHAIRPERSON thanked the delegation of Myanmar for its statement but reminded it that a State incurred obligations when it ratified the Convention and that the Committee was entitled to use any available sources in its examination of the situation of the rights of the child in any country.

15. The delegation of Myanmar withdrew.

Initial report of the Syrian Arab Republic (CRC/C/28/Add.2 (Arabic and English only); CRC/C/Q/SYR.1 (list of issues); written replies by the Government of the Syrian Arab Republic with no document symbol)

16. At the invitation of the Chairperson, Mr. Nseir, Mr. Dawalibi and Miss Jarf (Syrian Arab Republic) took places at the Committee table.

17. Mr. NSEIR (Syrian Arab Republic) said that he welcomed the opportunity to enter into a dialogue with the Committee, which was known to be competent, independent and frank. His Government recognized the importance of ensuring the rights of the child since children were the key to a country's future. The ratification of the Convention was proof of the political will to promote and protect the rights of the child at the highest level.

18. Since ratifying the Convention, Syria had been working to bring its legislation into line with the Convention itself and with the national objectives outlined by the Prime Minister in a statement to the National Assembly in 1994. His Government realized that the implementation of the Convention required not only political will but also the introduction of the necessary legislation and policies.

19. The Constitution stipulated that the family was the basic unit of society and his Government was concerned to enhance the social, economic and cultural levels of society in order to provide better protection for children, in the knowledge that a healthy society depended on healthy children and vice versa. The Constitution also contained provisions to encourage marriage, the protection of mothers and children and the establishment of an environment which fostered children's development.

20. The State had undertaken to satisfy the basic needs of all its citizens and to improve the general level of social development. Education was provided free by the State and was compulsory at the lower levels. The authorities sought to involve children fully in the life of the community and considered that Syria's children's agencies compared favourably with those of any other developing country. Mothers and children were provided with a full range of educational, cultural, recreational and health services. Training in child care was provided for parents. Particular attention was paid to vaccination and nutrition programmes and to the needs of orphans, street children and disabled children, for whom special education facilities, cultural centres and television and radio broadcasts were provided.

21. Many non-governmental organizations (NGOs) and United Nations agencies were active in Syria. While the national budget made specific provision for the needs of children, external assistance was needed in such areas as the training of children's workers and the establishment of various kinds of children's centres. The aim was to extend the services to all children, as the funds became available. There was still a shortage of specialist institutions and instructors.

22. Children living in the occupied Syrian Golan were under constant pressure from the Israeli forces of occupation, in flagrant violation of the provisions of the Convention. Israel had imposed an Israeli identity on the schools and their curricula. He thus called upon the Committee to try to alleviate the suffering of those Syrian children. In addition, the Syrian citizens, including children, who had been displaced by the 1967 war were still waiting to return to their homes and living for the day when the Golan was restored.

23. Since the 1960s, his country had based its economic development on a system of five-year plans, an approach which had proved extremely successful,

as could be seen from the growth indicators. Since the 1963 Revolution, the Government had made innovations in all areas of Syrian life, and the reforms had enjoyed the vigorous support of the President. The authorities publicized the reports of the various human rights bodies, including the conclusions and recommendations of the Committee on the Rights of the Child, to ensure that the whole of society was aware of the situation.

24. The CHAIRPERSON invited the members of the Committee to ask questions about the section of the initial report (CRC/C/28/Add.2) entitled "General measures of implementation".

25. Mrs. SANTOS PAIS said that the report adopted rather a legalistic approach, giving many examples of laws affecting children but little assessment of the impact of national legislation and policies on the lives of children or of the changes that had occurred as a result of the ratification of the Convention.

26. She was grateful for the very detailed information given about the Government's reservations to the Convention. However, its concern that article 14 might be so interpreted as to restrict the right of parents to give religious education to their children seemed unjustified. In fact, paragraph 2 of that article stated that the States parties must respect the rights and duties of the parents to provide direction to the child. The right to give religious education was therefore neither prohibited nor at risk and that reservation should perhaps be reconsidered. There appeared to be no need for the reservation to article 21 on adoption since the article applied only to States parties that recognized and/or permitted the system of adoption. Nor could she see the reason for the reservation to article 20, which was a general provision on the situation of children deprived of a family environment and in need of special protection and assistance.

27. Both the initial report and the written replies stressed that most of the country's laws were compatible with the Convention. That was the attitude of most Governments at first, but many of them later came to see the need for some amendments. Since most Syrian legislation had been adopted before the entry into force of the Convention, it could not have been inspired thereby. For example, an age of criminal responsibility of seven years, the different ages of marriage for males and females, and the legislation on work by children were incompatible with the Convention. The whole of Syria's legislation should therefore be comprehensively reviewed.

28. She assumed that one of the functions of the National Committee to Monitor the Implementation of the Convention on the Rights of the Child was to keep the Syrian authorities informed about the proceedings of the Committee on the Rights of the Child. She did not, however, understand the extent of the National Committee's powers. Could it, for example, draw up a strategy for children in the light of the Convention, gather comprehensive information on children with respect to all the areas covered by the Convention, and identify disparities affecting children?

29. Mrs. KARP said that she, too, would welcome more information about the National Committee and some examples of the decisions taken and policies introduced. In particular, she wondered whether the Government had considered

appointing a representative of the Finance Ministry to the National Committee so as to provide a link between decision-making and the provision of funds.

30. Paragraph 20 of the report painted a very positive picture of the Higher Committee for Child Welfare and the point about the integrated utilization of all available resources was very important. However, it did not seem to be part of the Higher Committee's remit to encourage compliance with the basic principles of the Convention concerning the participation of children and their education to their full potential. There was a reference to the need to identify talented children, but the Convention stipulated that all children should be enabled to develop their full potential. The Syrian authorities might consider giving more attention to that point.

31. With regard to the dissemination of the Convention, she would like to know whether it was part of the school curriculum and whether it would be introduced as an obligatory subject. She understood that Syria produced few television programmes itself, most of them being imported. Encouragement might, perhaps, be given to the local production of programmes dealing with the specific circumstances of Syria's children and relating the Convention to the Syrian reality.

32. Mrs. BADRAN said she noted that Syria had two mechanisms for implementing the Convention: the National Committee and the Higher Committee for Child Welfare. It might make sense to merge the two bodies, since their tasks appeared to be similar, and thus enhance efficiency and reduce the need for coordination. She would welcome more information about the way in which the needs of children were taken into account in the five-year economic plans. If possible, children should appear as a separate component in the plans, for such an arrangement would make it easy to identify the proportion of the budget allocated to children and the priority attached to children by the State.

33. With regard to the arrangements for training persons working with children in the provisions of the Convention, it might be useful to introduce the Convention at an earlier stage of the education system, so that the training provided for such persons could build on existing knowledge. She knew that the UNICEF regional office in Amman had a six-country programme on the incorporation of information about the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women into school and university programmes.

34. Mr. HAMMARBERG said that the Syrian Arab Republic managed to maintain fairly high standards in health care and education for children, in spite of the economic difficulties it was undergoing, with levels of expenditure in the sectors similar to those of other States parties. None the less, more up-to-date information on the budget should be provided. He would also like to know what steps were taken to ensure that, in compliance with the provisions of article 4 of the Convention, the best interests of the child constituted a guiding principle in the establishment of the budget.

35. The written replies did not really answer the question as to whether the principles of the Convention were included in the basic curricula and further training of key professionals working with children (teachers, social workers and so on). Further details in that regard would be welcome.

36. The Higher Committee for Child Welfare seemed to have very broad terms of reference, with a comprehensive approach which involved the various government departments so as to ensure that the necessary decisions were taken as appropriate. However, it was inadvisable that the body responsible for programmes and key decisions should also monitor their implementation. Perhaps that could be assigned to another organ, such as an ombudsman, for the sake of greater transparency.

37. He stressed the importance of appropriate arrangements for coordination between the central Government and local authorities so as to ensure that obligations undertaken by the Government, such as the Convention, were effectively implemented at the local level, where most decisions affecting children were taken. Likewise, it was essential to have a mechanism which allowed for constructive cooperation with the NGOs, while respecting their independence.

38. He endorsed the comments made by Mrs. Santos País about the reservations entered by the Syrian Arab Republic regarding the Convention, which seemed unnecessary. The arguments put forward for the reservations were not entirely convincing: either there was some misinterpretation of the provisions concerned or there were other reasons behind the State party's decision, which it had not fully explained.

39. Mr. KOLOSOV said that the Vienna Declaration recognized the right of every individual to participate actively in the defence and promotion of his or her human rights. However, that could be achieved only if people were made fully aware of the meaning and importance of such rights. In his experience, despite the efforts purportedly made by Governments to educate children concerning human rights, they were generally fairly ignorant on the subject.

40. Specific goals must therefore be set in education. The dissemination of information on human rights must be an ongoing process; it should be included in the national school curricula and also in civic education. Moreover, the proper training of human rights teachers with a specialist knowledge of national and international legislation was equally important so as to ensure that children could be real partners in the promotion of human rights.

41. The ombudsman was not just a fashionable mechanism but a genuinely important means of providing remedies for violations of human rights which, intentionally or otherwise, would always occur in every State party under any type of political regime. People would take their grievances to a court of law only as a last resort; the ombudsman was a far more accessible figure. Moreover, on the basis of the complaints lodged and information collected, the ombudsman could make suggestions to the competent government bodies as to where improvements might be made. He thus recommended the appointment of an ombudsman in the Syrian Arab Republic, particularly since, according to the report, there were no particular obstacles in that regard.

42. Mrs. SARDENBERG asked whether there was a specific system for collecting data concerning children and, if so, how such data were taken into account in formulating social policies and establishing the five-year economic plans. Did the current budgetary allocations reflect the Government's concern about the disparities between urban and rural areas and their impact on children?

43. She would like to know something more about the NGOs active in the Syrian Arab Republic such as their status, funding, the procedures for their registration and their role in implementing the provisions of the Convention.

44. With regard to efforts to publicize the Convention, she wondered whether there were any materials available for that purpose which were suitable for children of different ages and stages of development. Lastly, she sought clarification regarding the different bodies responsible for children's affairs in the Syrian Arab Republic. Was the body set up to deal specifically with the preparation of the report also responsible for monitoring implementation of the Convention? It was essential that there should be an efficient and independent monitoring mechanism.

The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.

45. Mr. NSEIR (Syrian Arab Republic) said, on the subject of reservations, that his Government's reservation to article 14 of the Convention related exclusively to the right of the child to freedom of religion, as indicated in the interim report (para. 82). In the Syrian Arab Republic, children must be brought up in the religion of their parents.

46. As for the reservation to articles 20 and 21, he stressed that adoption would not be recognized as an institution in his country, since it conflicted with Syrian law, including the Personal Status Act, and the Syrian Constitution, which were based on the Islamic Shari'a. It referred to the need for the protection of orphaned children within the immediate family environment and provided for the alternative kafalah system of care.

47. Specific legislation relating to children, such as the Administrative Decree of 1981, was designed to ensure that the protection afforded to children should be in their best interests. That seemed to be in keeping with the basic thrust of the Convention. Furthermore, the Syrian reservation regarding adoption was fully in line with the Vienna Declaration, which underlined the significance of national and regional particularities and various historical, cultural and religious backgrounds.

48. Miss JARF (Syrian Arab Republic), elaborating on the steps taken to publicize the Convention, said that UNICEF had provided printed publications of the text of the Convention which would be distributed in State schools and would be included in the school curricula. In order to reach both urban and rural areas, efforts would be made to ensure that newspapers carried an article on the Convention especially designed for children, so that they could easily become aware of their basic rights. The text of the Convention, illustrated with photographs, had also been published in a children's magazine.

49. There were also plans to produce a television programme hosted by a well-known television personality on which children and parents would have the opportunity to ask questions about the Convention.

50. In cooperation with UNICEF, the Ministry of Education had agreed to introduce the Convention into the curricula of the faculties of medicine, law and social sciences, thereby ensuring that future generations of professionals in contact with children would be well-acquainted with the provisions of the instrument. The text of the Convention had been distributed to all ministries, national health centres, NGOs, youth associations and women's groups.

51. Mr. DAWALIBI (Syrian Arab Republic) said that the Convention covered a very wide range of issues. In view of the importance his country attached to the instrument, a National Committee had been established, to monitor the implementation of its various provisions. All those provisions had been addressed in the country's Seventh Five-Year Plan, which was currently being implemented, with each ministry responsible for activities within its sphere of competence.

52. For example, over and above its efforts to improve children's health in general, the Ministry of Health had undertaken an ambitious vaccination programme; there were also projects under way, with international assistance, to train midwives and child-birth attendants. The Ministry of Labour had launched programmes for the protection of disabled children, including their training in specialized centres. The Ministry of Education had plans to ensure that the study of the Convention was incorporated in the curricula of the relevant university faculties.

53. There was no overlap between the work of the National Committee and that of the Higher Committee for Child Welfare. The former was an executive, the latter a political body. The National Committee monitored children's affairs and the rights of the child, studied the effectiveness of institutional arrangements with a view to coordinating policy at national, regional and local levels, and prepared periodic reports for circulation to the Higher Committee and the NGOs.

54. The Higher Committee was a 24-member ministerial body that took political decisions at the government level, acting on the basis of proposals forwarded to it by the National Committee with a view to securing implementation of and follow-up to the provisions of the Convention. It played a key role in harmonizing and modernizing legislation on the protection of children.

55. The CHAIRPERSON said she wondered why there was no representative of the Ministry of Finance on the National Committee, given that that Committee's functions included making financial proposals to the Government, as required by the Convention.

56. Mr. DAWALIBI (Syrian Arab Republic) said that it would clearly be useful to have a representative of the Ministry of Finance on the National Committee. The delegation would pass that constructive proposal on to the appropriate Syrian authorities.

57. Mr. NSEIR (Syrian Arab Republic) said that the situation regarding children's criminal responsibility was explained in paragraphs 236 and 237 of the initial report. Children aged 7 to 15 bore some criminal responsibility, but could not be sentenced by the courts. There were special courts to protect children; their proceedings took place in camera, and the child could choose whether or not to be present. Children below the age of 15 were never imprisoned, but various reform measures could be imposed on those aged between 7 and 15 at the discretion of the judge.

58. The minimum age for marriage was 18 for boys and 17 for girls. A draft law on family protection envisaged increasing that minimum age. Under-age marriages contracted under duress were not recognized or registered.

59. The Government protected children against any form of economic exploitation. Children could not be employed under the age of 12, and specific measures protected children over that age from being employed in certain industries such as carpet-making and from engaging in activities harmful to their physical or psychological health. They also prescribed maximum working hours. Shops, commercial premises and factories found to be violating those regulations were closed down. In rural areas, children engaged in seasonal agricultural activities together with other members of their families. They received no payment for their work and were not regarded as employees.

60. Mr. DAWALIBI (Syrian Arab Republic), referring to the procedure for lodging complaints, said that under Syrian law the Prosecutor-General could investigate any offence or violation on the basis of an allegation, accusation or complaint.

61. Questions had also been asked about the NGOs. Article 12 of the Constitution provided that the State was at the service of the people. Its article 48 further stipulated that the popular masses had the right to establish trade-union, social and professional organizations and production or service cooperatives, the framework, interrelationships and operational scope of which were to be prescribed by law. The Private Associations and Institutions Act No. 93 of 1958 regulated the activities of such associations and defined their terms of reference, thereby providing a legal framework for NGO activiites.

62. Mrs. SANTOS PAIS said that the preamble to the Convention referred to the importance of the traditions and cultural values of each people for the protection and harmonious development of the child. As she had already pointed out, far from obliging States to recognize adoption, the Convention acknowledged that some States did not recognize such a system, and explicitly mentioned the kafalah of Islamic law in its article 20. She therefore saw no need for the Syrian Arab Republic's reservation in that regard.

63. Similarly, it should consider withdrawing its reservation regarding freedom of religion, as article 14 of the Convention explicitly recognized the right of parents to provide direction to the child.

64. The delegation had made it clear that the Higher Committee for Child Welfare was a political body, whereas the functions of the National Committee were executive and administrative. It was important, nevertheless, to ensure that proper coordination existed between the two bodies: the separation of powers must not be invoked as an excuse for failure to adopt appropriate policies to protect children. It was not very clear how the two bodies ensured vertical coordination between central and local authorities in the implementation of those policies in remote areas.

65. Lastly, it could not be plausibly asserted that children between the ages of 7 and 15 bore no criminal responsibility, if they were in fact liable to be detained in reform institutions in conditions that were tantamount to imprisonment. That state of affairs was incompatible with the provisions of the Convention.

66. Mrs. KARP said that she welcomed the delegation's readiness to accept the Committee's proposal that the National Committee should include a representative of the Ministry of Finance among its members. It might also be useful for a representative of that Ministry to participate in the work of the Higher Committee for Child Welfare, which was responsible for integrating resources.

67. She had received no answer to her question concerning the Higher Committee's terms of reference. It was her understanding that the purpose of the Higher Committee was the protection of children and that it had been established before the entry into force of the Convention. She wondered, therefore, whether its terms of reference would be amended to reflect the new concept of participation set forth in the Convention.

68. Noting that various statistics had been provided concerning children below the age of 15, she asked why no data were available for children between the ages of 15 and 18. She also wished to know the justification for setting the minimum age of competence to act as a party in legal proceedings at 18 (para. 46 of the initial report), a provision that prevented all children from participating in the promotion of their own rights. Lastly, it was stated in paragraph 47 of the initial report that persons under 15 years of age were deemed competent to testify only in cases involving rape and indecent acts. That exception should surely be extended to include all cases in which a child's own interests were at stake.

The meeting rose at 6 p.m.